

In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR BLACKFORD COUNTY )

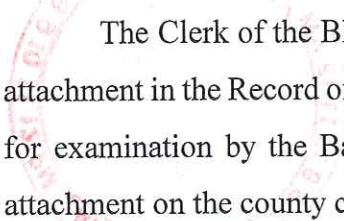
Case No. 05S00-1406-MS-420

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Blackford Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Blackford Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR05-AR15-4 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule , LR05-AR15-4 for Blackford Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective July 1, 2014. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. John N. Barry, Blackford Superior Court, 110 West Washington Street, Hartford City, IN 47348-2251; the Hon. Dean Young, Blackford Circuit Court, 110 West Washington Street, Hartford City, IN 47348-2251; to the Clerk of the Blackford Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Blackford Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 25, 2014.



Brent E. Dickson  
Chief Justice of Indiana

## LR05-AR15-4 COURT REPORTERS

The undersigned courts comprise all of the courts of record of Blackford County, Indiana, and hereby adopt the following local rule by which Court Reporter services shall be governed.

**Section One: Definitions.** The following definitions shall apply under this local rule:

*A Court Reporter* is a person who is specifically designated by a Court to perform the official Court reporting services for the Court including preparing a transcript of the record.

*Equipment* means all physical items owned by the Court or other governmental entity and used by a Court reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing data.

*Work space* means that portion of the Court's facilities dedicated to each Court reporter, including but not limited to actual space in the courtroom and any designated office space.

*Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rules of Appellate Procedure 7.2.

*Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

*Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county but remain the same for each work week.

*Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

*Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

*Work Week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

*Court* means the particular Court for which the Court reporter performs services. Court may also mean all of the courts in Blackford County.

*County indigent transcripts* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

*State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

*Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

## **Section Two: Salaries, Per Page Fees and Private Practice**

The Court Reporter shall be paid an hourly wage for time spent working under the control, direction and direct supervision of the Court during all regular work hours and gap hours. Overtime hours shall be accrued as compensatory time off at the rate of one and one-half times per hours worked with a maximum number of hour accrued to be forty (40). All overtime hours worked after the Court Reporter has accrued forty (40) hours shall be paid at the rate of one and one-half times the hourly wage.

The Court Reporter shall charge a per page fee of four dollars and twenty-five cents (\$4.25) for indigent county transcripts, state indigent transcripts, and private practice transcripts. A claim for all county indigent transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.

If the Court Reporter is requested to prepare an "expedited" transcript (preparation within three (3) days) the Court Reporter shall charge a per page fee of six dollars and twenty-five cents (\$6.25). A claim for all county indigent "expedited" transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.

If the Court Reporter is requested to prepare a "rush/overnight" transcript (preparation within twenty-four (24) hours or less) the Court Reporter shall charge a per page fee of seven dollars and twenty-five cents (\$7.25). A claim for all county indigent "rush/overnight" transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.

A minimum fee of forty-five dollars (\$45.00) will be charged for transcripts less than ten (10) pages in length. The Court Reporter may require advance payment for the estimated cost of a transcript.

An additional labor charge approximating the hourly rate based upon the Court Reporter's hourly rate as reflected in the Court budget, may be charged for the time spent binding the transcript and exhibit binders. The labor charge shall not exceed three (3) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two hour base.

All Court Reporters are required to report on an annual basis to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division.

That each Court Reporter shall have the option of electing to procure the services of a certified Court Reporter or Deputy Court Reporter to prepare a private practice transcript should she not have available time to complete the preparation of said transcript. The certified Court Reporter or Deputy Court Reporter shall abide by the rules as set forth herein.

The Courts recognize that relatively few transcripts are prepared by a Court Reporter during the course of a year. The Courts also recognize that depositions for private individuals other than Court related transcripts are not frequently prepared by the Court Reporters. Therefore; it is not feasible for the Court Reporters to purchase machines, other equipment, paper, etc. for the preparation of transcripts, depositions and other matters. These transcripts are prepared by the Court Reporter solely in the official capacity as Court Reporter. Therefore, the "per page" charge which is set forth above anticipates that the Court Reporter is entitled to utilize the equipment and materials of the Court and that the compensation is, therefore, solely for the Court Reporter's labor.

If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition or private practice transcripts and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of Court's equipment for such purpose, the Court Reporter agrees to the following:

- a. Record and transcribe the deposition on the Court Reporter's own time and keep a record of such employee time sheets.
- b. Reimburse the Court at the rate of fifteen cents (\$0.15) per page for use of equipment, work space, and supplies.
  - (1) The Court Reporter shall submit a claim to the Blackford County Auditor for payment of an indigent deposition (not prepared during the regular work hours); however, said claim shall include the deduction for use of equipment, work space, and supplies.

- (2) The Court Reporter shall remit payment for private depositions and private transcripts to the Blackford County Auditor annually, by December 15<sup>th</sup>, for use of equipment, work space, and supplies in conjunction with a non-indigent deposition.

That each Court Reporter shall have the option of electing to procure the services of a certified Court Reporter or Deputy Court Reporter to prepare a private practice transcript should she not have available time to complete the preparation of said transcript. The certified Court Reporter or Deputy Court Reporter shall abide by the rules as set forth herein.